

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID GARLAND ATWOOD II,)	
)	
Petitioner,)	
)	
-vs-)	Case No. CIV-15-318-F
)	
JOHN FOX, Warden,)	
)	
Respondent.)	

ORDER

United States Magistrate Judge Charles B. Goodwin issued a Report and Recommendation on August 17, 2015, wherein he recommended that the Motion to Dismiss for Lack of Jurisdiction filed by respondent, John Fox, be granted.¹ Magistrate Judge Goodwin advised the parties of the right to file an objection to the Report and Recommendation by September 7, 2015 and further advised that failure to timely object to the Report and Recommendation waives the right to appellate review of both factual and legal issues therein contained.


To date, neither party has filed an objection to the Report and Recommendation. With no objection being filed, the court accepts, adopts and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin (doc. no. 10) is **ACCEPTED, ADOPTED** and **AFFIRMED**. Respondent, John Fox’s Motion to Dismiss for Lack of Jurisdiction

¹ Although the motion was also filed on behalf of respondents, El Reno Federal Correctional Institution and the United States of America, Magistrate Judge Goodwin noted that these respondents were terminated as parties in this matter per the court’s order of April 23, 2015. Doc. no. 5, n.1.

(doc. no. 9) is **GRANTED**. Petitioner, David Garland Atwood II's petition for writ of habeas corpus under 28 U.S.C. § 2241 is **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction pursuant to Rule 12(b)(1), Fed. R. Civ. P.

DATED September 21, 2015.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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